

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

WAYMON TOWNSEND AND  
ELAINA TOWNSEND,

Debtors.

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Case No. 05-48829  
Chapter 7  
Hon. Thomas J. Tucker

HURON RIVER AREA CREDIT UNION,

Plaintiff,

v.

Adv. Pro. No. 05-5364

WAYMON TOWNSEND AND,  
ELAINA TOWNSEND,

Defendants.

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**MEMORANDUM REGARDING “STIPULATED ORDER TO SET ASIDE DEFAULT  
ENTRY BY CLERK AND TO ENTER CONSENT JUDGMENT”**

The parties have submitted to the Court a “Stipulated Order to Set Aside Default Entry by Clerk And to Enter Consent Judgment.” The proposed stipulated order seeks, in relevant part, (1) a judgment in favor of Plaintiff and against Defendant in the amount of \$700, and (2) a finding that the \$700 debt to Plaintiff is “nondischargeable under 11 U.S.C. § 727(a)(4)(A), (6)(A) and/or 11 U.S.C. § 523(a)(6).”

The Court cannot enter the proposed order. First, it appears that the parties have not yet complied with L.B.R. 7041-1 (E.D.M.) and Fed.R.Bankr.P. 7041. The Court construes those rules to apply here. Second, 11 U.S.C. § 727(a)(4)(A) and (6)(A) are grounds for denial of a discharge. These § 727(a) provisions, therefore, cannot be invoked to determine that a specific

debt is nondischargeable.

Accordingly the Court declines to enter the proposed order.

Date: September 16, 2005

/s/ Thomas J. Tucker  
Thomas J. Tucker  
United States Bankruptcy Judge

cc: Tamara A. White  
Tadd Klimmek  
Wendy Turner Lewis, Trustee